

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2005:

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Present

Vote

James S. Burgett, Chairman  
Walter C. Zarembo, Vice-Chairman  
Sheila S. Noll  
Kenneth L. Bowman  
Thomas G. Shepperd, Jr.

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On motion of \_\_\_\_, which carried \_\_\_\_, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-99-05 TO AMEND CHAPTER 24.1, ZONING, YORK COUNTY CODE, TO ENSURE CONSISTENCY WITH OTHER SECTIONS OF THE YORK COUNTY CODE, TO CORRECT CERTAIN REFERENCES AND CONFORM PROVISIONS TO THE CODE OF VIRGINIA, AND TO CONSIDER REVISED REGULATIONS PERTAINING TO SENIOR HOUSING, COMMERCIAL RECEPTION HALLS, SIGNAGE FOR MEDICAL CENTERS, AND ADMINISTRATIVE MODIFICATIONS OF CERTAIN ZONING STANDARDS

WHEREAS, Chapter 24.1, Zoning, of the York County Code was adopted on June 28, 1995, and it has come to the attention of the Board of Supervisors that certain sections and provisions are in need of clarification and adjustment; and

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-99-05 to allow consideration of various amendments intended to correct these deficiencies; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration in accordance with applicable procedures for zoning ordinance text amendments; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and conducted subsequent deliberations and discussions on the proposed amendments and has recommended approval; and

WHEREAS, the Board has conducted a duly advertised public hearing and has

carefully considered the Planning Commission recommendation and public input concerning this application.

WHEREAS, in the interest of good zoning and land use practice, the Board has determined that it would be appropriate to approve the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_, 2005, that it does hereby approve Application No. ZT-99-05 to amend Chapter 24.1, Zoning, of the York County Code to read as follows:

**Sec. 24.1-104. Definitions.**

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*Best management practice (BMP).* A practice, or combination of practices, that is determined by a state or the Hampton Roads Planning District Commission ~~designated area-wide planning agency~~ to be the most effective, ~~and practicable~~ and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources ~~(as defined by the Federal Clean Water Act and section 24.1-372 of this chapter)~~ to a level compatible with water quality goals

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*Development.* The division of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, paving, grading, filling or land disturbance, or any use or extension of the use of land.

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*Environmentally sensitive areas.* Areas with one (1) or more of the following characteristics:

- slopes in excess of twenty percent (20%);
- 100-year floodplains;
- ~~soils classified as highly permeable or highly erodible;~~
- tidal or nontidal wetlands;
- ~~hydric soils; or~~
- land formerly used for landfill operations or hazardous industrial or commercial use; or
- Chesapeake Bay Preservation Areas;

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*Impervious surface.* A surface composed of any material that significantly impedes or prevents natural ~~that has been compacted or covered with a layer or layers of material so that it is highly resistant to~~ infiltration of water into the soil. Impervious surfaces ~~include~~ include but are not limited to: compacted sand, limerock, gravel, or clay as well as most conventionally surfaced roofs, buildings, decks ~~streets~~, streets, parking areas, and any concrete, ~~or~~ asphalt or compacted aggregate surface.

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*Regional Medical Center.* A licensed and Commonwealth of Virginia accredited health care institution, whether public or private, with an organized medical and professional staff and with inpatient beds available around-the-clock whose primary function is to provide inpatient medical, nursing, emergency care and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services. In terms of the emergency care, such centers serve and accept transport of patients from the emergency services departments of three or more jurisdictions/municipalities, including the host jurisdiction.

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*Septic system.* An underground system with a septic tank and one or more drainlines, depending on volume and soil conditions, which is used for the decomposition of domestic wastes. Such systems may also be referred to as soil absorption systems.

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*Senior Housing (Housing for Older Persons).* Consistent with ~~Pursuant to~~ the terms of the Virginia Fair Housing Law, Section 36-96.7 of the Code of Virginia (1950, as amended), and the federal Housing for Older Persons Act of 1995 (HOPA), ~~senior, senior housing, or housing for older persons,~~ can include: I) that which is provided under any state or federal program that is designed and operated to assist elderly persons, as defined by such program; or (ii) a housing community or facility wherein at least 80 percent of the units are intended for, and solely occupied by, at least one person sixty-two (62) years of age or older and wherein none of the units may be occupied by residents under the age of nineteen (19). The requirements of “Housing for Older Persons” as set forth in the Virginia Fair Housing Law and HOPA shall control as to any allowable exemptions to the 80% occupancy rule. The developer, owner and/or manager of the housing community or facility shall establish, make available ~~publish~~ and adhere to policies and procedures which implement the occupancy criteria. Senior housing arrangements may be further distinguished as one or more of the following categories:

- *Independent Living Facility:* A building or series of buildings containing independent dwelling units intended to provide housing for older persons not requiring health or other services offered through a central management structure/source. The facility may include ownership or rental units and must be subject to appropri-

ate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.

- *Congregate Care Facility*: A building or series of buildings containing residential living facilities intended as housing for older persons and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping services and to participate in activities, health services, and other services offered through a central management structure/service.
- *Assisted Living Facility*: A building or series of buildings containing residential living facilities for older persons and which provides personal and health care services, 24-hour supervision, and various types of assistance (scheduled and unscheduled) in daily living and meeting the requirements of Section 63.2-1800, et. seq. of the Code of Virginia (1950), as amended.
- *Continuing Care Retirement Community (CCRC)*. A senior housing development that is planned, designed and operated to provide a full range of accommodations for older persons, including independent living, congregate care and assisted living facilities, and which may also include a nursing home (skilled-care facility) component. Residents may move from one level to another level of housing accommodations as their needs change. CCRCs may include ownership and rental options but must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.

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~~*Tributary stream.* Any perennial or intermittent stream, including any lake, pond, or other body of water formed therefrom, that is so depicted on the most recent U. S. Geological Survey 7—minute topographic quadrangle map (scale 1:24,000), or the Soil Conservation Service, Soil Survey of James City and York Counties and the City of Williamsburg, Virginia or as otherwise determined through field analysis and verification.~~

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*Wetland.*

- *Non-tidal.* Those wetlands, other than tidal wetlands, ~~An area~~ that ~~are~~<sup>is</sup> inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, ~~does~~ support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act in 33 CFR 328.3b, as may be amended from time to time,~~commonly known as hydrophytic vegetation.~~
- *Tidal.* Vegetated and un-vegetated wetlands, as defined in Section 28.2-1300 of the Code of Virginia.

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Except as hereinafter provided, no land, building, structure or premises shall hereafter be used, and no building or structure, or part thereof, shall be erected, altered, located, or moved, except in conformance with the regulations established by this chapter for the district in which located. In addition to the requirements established herein, all development shall comply with all applicable requirements and permitting procedures of the various local, state, and federal review and regulatory agencies including, but not limited to, the York County Wetlands Board, Virginia [Marine Resources Commission](#) ~~Institute of Marine Science~~, [Virginia Department of Environmental Quality](#) ~~State Water Control Board~~, Virginia Department of Transportation, Health Department, and U.S. Army Corps of Engineers.

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**Sec. 24.1-114. Conditional zoning.**

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(b) *Proffer of conditions.*

- (1) The owner or owners of property for which an application is being made for an amendment to the zoning map may, as part of the application, voluntarily proffer, in writing, reasonable conditions which shall be in addition to the regulations of the zoning district classification sought by the application.
- (2) Conditions so proffered may be made prior to the public hearing before the commission. Alternatively, or in addition, in consideration of comments expressed during the commission deliberations on an application, the property owner(s) may, prior to the final public hearing conducted by the board, choose to proffer original conditions or revised conditions.
- (3) The board as part of an amendment to the zoning map, may accept such reasonable conditions in addition to the regulations provided by this chapter for the zoning district to which the amendment is requested provided that:
  - a. the rezoning itself gives rise to the need for the conditions;
  - b. such conditions have a reasonable relation to the rezoning; and
  - c. all such conditions are in conformity with the adopted comprehensive plan; and
  - d. if proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered. [All cash proffers shall be accepted and held in accordance with the terms of sections 15.2-2303.2 and 2303.3 of the Code of Virginia.](#)

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**Sec. 24.1-202. Lot frontage required.**

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- (c) Other provisions of this chapter notwithstanding, flag lots may be permitted but only in accordance with the following requirements and all applicable requirements of the subdivision ordinance. Nothing in this section shall be construed to recognize flag lots as a generally available design technique to be used as a matter of right by any person subdividing land. Flag lots are generally to be considered an unacceptable design technique except in planned developments, open space subdivisions (see section 24.1-402), or in the following specific circumstances (See Figures I-3 and II-2 in Appendix A):
- (1) Flag lots may be utilized to prevent unnecessary or undesirable accesses to collector or arterial roads; or
  - (2) Flag lots may be utilized to recognize unique physical or environmental characteristics of a parent tract which preclude efficient and logical subdivision in accordance with normally applicable frontage requirements.
  - (3) The following limitations shall apply to flag lots:
    - a. One lot, or a maximum of five percent (5%) of the total lots in a subdivision, whichever is greater, may be flag lots. This limitation shall be cumulative for subdivisions consisting of more than one (1) section. The zoning administrator may waive this limitation upon finding that authorizing the use of additional flag lots would preserve environmentally sensitive land or have a direct positive impact on designated environmental management [or Chesapeake Bay Preservation](#) areas.
    - b. Flag lots shall not be permitted whenever the effect would be to increase the number of lots with direct access to a major collector or arterial street.
    - c. That portion of a flag lot comprising the "staff" shall not be counted for the purpose of determining minimum lot area compliance.
    - d. The minimum width of the "staff" portion of a flag lot shall be twenty feet (20')

**Sec. 24.1-203. Computation of buildable or developable area.**

In accordance with the comprehensive plan, certain land areas shall not be developed at all and others may only be credited partially toward buildable or developable area. These

shall be determined on a case-by-case basis utilizing the percentages shown in the table below where:

The "*Density*" column contains the percentage of the specified land type which may be included in calculations of net developable density;

The "*Lot size*" column contains the percentage of the specific land type which may be included to meet minimum lot size requirements; and

The "*Platted*" column contains the percentage of the specified land type which may be platted as part of individual lots for transfer to a party **other** than a property owners' association or similar entity such as a land conservation trust.

In all cases, the zoning administrator shall be satisfied that each and every lot platted contains a sufficient building site for the future use of the property based on its zoning classification at the time the plat is submitted.

Land Area Type		Density	Lot Size	Platted
(a)	Existing public or private street or highway right-of-way	0%	0%	0%
(b)	Areas required for dedication to eliminate substandard rights-of-way	50%	0%	0%
(c)	Existing and proposed public or private utility easements greater than twenty feet (20') in width	0%	0%	100%
(d)	Existing and proposed public or private utility easements twenty feet (20') and less in width	100%	100%	100%
(e)	Existing and proposed easements providing public rights of access or which access community facilities	100%	50%	100%
(f)	Areas four feet (4') and less above mean sea level as determined by NGVD 1929 datum (National Geodetic Vertical Datum)	0%	0%	100%
(g)	Areas of existing ponds, lakes, or other impounded water bodies measured to the mean high water level at the natural outfall or emergency spillway	0%	0%	100% <sup>(1)</sup>
(h)	New stormwater management ponds or basins required to be constructed to serve a development project	100%	0%	0% <sup>(2)</sup>
(i)	Area in excess of one-tenth acre of USEPA/Corps of Engineers jurisdictional non-tidal wetlands <sup>(3)</sup>	50%	0%	100% <sup>(1)</sup>
(j)	Naturally occurring (predevelopment) slopes:			
	(1) less than twenty percent (20%)	100%	100%	100%
	(2) twenty (20%), but less than thirty percent (30%)	75%	50% <sup>(4)</sup>	100%
	(3) thirty percent (30%) or greater	50%	25% <sup>(4)</sup>	100%
<sup>(1)</sup> When platted, a conservation easement running to the benefit of				

the

County or other entity deemed appropriate by the zoning administrator shall be provided.

(2) This does not preclude onsite stormwater management entirely within

~~the bounds~~ the bounds of a single lot where no subdivision is proposed.

(3) Jurisdiction is determined by the U.S. Army Corps of Engineers, not by

York County. No reduction shall be required for upland areas which are

Required as mitigation areas under permits issued by the Corps of Engineers or Virginia Department of Environmental Quality. No reduction shall be required for jurisdictional areas within which filing is permitted by the Corps of Engineers or Department of Environmental Quality.

(4) 85% on lots two (2) acres and larger

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## Sec. 24.1-306. Table of land uses

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USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 11 – BUSINESS / PROFESSIONAL SERVICE												
1. Broadcasting Studio								P	P		P	P	P
2. Barber/Beauty Shop							P	P	P		P		P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P
4. Funeral Home (may include cremation services)								S	P		P		
4a. Cremation Services (human or pets)									S			S	S
5. a) Photographic Studio							S	P	P		P	P	P
b) Film Processing Lab								S	P		P	P	P
6. Household Items Repair									P		P	P	P
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)									S				
8. a) Banks, Financial Institutions							P	P	P		P		
b) Freestanding Automatic Teller Machines							P	P	P	S	P		
9. Offices						S	P	P	P		P	P	P
10. Hotel & Motel								S	P	S	P		
11. Timeshare Resort						S			S	S	S		
12. Restaurant/Sit Down								P	P		P		
13. Restaurant/Brew-Pub									P		P		
14. Restaurant/Fast Food								S	P		S		
15. Restaurant/Drive In								S	P		S		
16. Restaurant - Carryout/ <del>Delivery</del> <u>only Delivery only</u>							S	P	P		S		
17. Catering Kitchen/Services							S	P	P		S		
18. Nightclub								S	S		S		

19. Commercial Reception Hall or Conference Center							S	S	P	<u>S</u>	P		
20. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P		P	P
21. Tool, Household Equipment, Lawn <del>&amp; Garden</del> <u>&amp; Garden</u> Equipment, Rental Establishment									P		P	P	P
22. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P	P
23. Professional Pharmacy							P	P	P		P		

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### **Sec. 24.1-411. Standards for Senior Housing (Housing for Older Persons)**

- (a) All dwelling units shall be served by public water and public sewer.
- (b) The Board of Supervisors shall establish the maximum allowable density for senior housing development projects on a case-by-case basis after consideration of the documentation accompanying the Special Use Permit application, the type of facility and the unit style, the availability of necessary public services and facilities, the compatibility with surrounding land uses (both existing and potential), and such other factors as the Board may deem appropriate. In any event, the maximum allowable density shall not exceed twenty (20) units per acre, calculated using net developable acreage as determined in accordance with section 24.1-203. Senior housing developments may include up to five (5) guest suites for use on a temporary basis by families or guests of the permanent residents. Such suites shall not be used for permanent residential occupancy and, as such, will not count toward the maximum allowable density for the development. If fees are charged for use of such suites, all applicable transient occupancy taxes shall be assessed and collected. Notwithstanding the definition of “senior housing” established in section 24.1-104 of this chapter, the Board of Supervisors may, at the time of consideration of a special use permit application, authorize a reduction in the age threshold for the facility or development, provided however, that in no case shall the standard be less than 55 years of age.

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### **Sec. 24.1-462. Standards for marina, dock or boating facility (commercial).**

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the “Criteria for the Siting of Marinas or Community Facilities for Boat Mooring” as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.
- (b) All federal, state and local requirements for marina facilities shall be met

and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.

- (c) All requirements of [chapter 23.2, Chesapeake Bay Preservation Areas](#),~~the environmental management overlay district~~ shall be addressed as part of any plan approval.

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**Sec. 24.1-463. Standards for marina, dock or boating facility (private or club).**

- (a) Use of private marinas, docks, or boating facilities shall be limited to a specific membership and shall not be intended for the general public or commercial purposes.
- (b) Private marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas or Community Facilities for Boat Mooring" as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.
- (c) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to the issuance of a zoning certificate for docks, piers or boat houses.
- (d) All requirements of [chapter 23.2, Chesapeake Bay Preservation Areas](#)~~the environmental management area overlay district~~ shall be addressed as part of any plan approval.

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**Sec. 24.1-474. Standards for commercial reception hall or conference center.**

- (d) The reception hall/conference center shall be located on the site and designed so as to be compatible in form, character, appearance and arrangement with adjacent properties. In order to prevent or minimize potential adverse impacts on such properties, including but not limited to noise, light and odor, the following site and building design standards shall be observed. For the purposes of the following performance standards, the term "adjacent" shall be deemed to include properties located across a body of water:
  - 1. Every reasonable effort shall be made to orient the principal and service entrances to the facility away from adjacent residentially-zoned property. The minimum unobstructed distance (measured on a line-of-sight) between the principal and service entrances to the facility and any adjacent existing residential structure on residentially zoned property shall be 200 feet. However, if no other reasonable alternative exists, the principal and service entrances may be as close as 100 feet (measured on a line-of-sight) to such existing residential

structure(s) on adjacent residentially-zoned property if buffered by appropriate landscaping and fencing. Appropriate landscaping shall consist of a row of leyland cypress spaced at 10 feet on centers, or an equivalent evergreen substitute as approved by the Zoning Administrator, and extending a sufficient linear distance to provide an effective screen between the two uses, and appropriate fencing shall be of a wooden board-on-board type extending the same distance as the landscaping and complying with the height limitations set out in this chapter. Buildings on the reception hall/conference center site may be credited as obstructing the line-of-sight as long as they remain in place. In the event an existing building is determined to provide the line-of-sight obstruction, the above-noted separation distances shall not apply. Should such buildings be removed in the future, reception hall/convention center operator shall be responsible for establishing a substitute buffer approved by the Zoning Administrator.

2. Entrance and exit doors shall be kept closed at all times of operation to avoid noise impacts. The loading or unloading of any delivery truck associated with the facility operation shall not be permitted between the hours of 6:00 p.m. and 7:00 a.m.
3. Parking spaces likely to be used by facility patrons and employees shall be located so as to minimize impacts on adjacent residentially zoned property. Any such parking area located within 300 feet of a residential structure shall be screened from view by buildings, fencing, landscaping, or combinations thereof. The operator of the establishment shall be responsible to the greatest extent practicable for minimizing and eliminating loitering or congregations of individuals in the parking lot associated with the facility.
4. Every reasonable effort shall be made to orient mechanical equipment such as refrigeration units, HVAC systems, venting systems, or other systems or components that might cause offensive or objectionable noise or odor so that they face away from adjacent residentially zoned property. All mechanical equipment, regardless of its location, shall be concealed from view from adjacent residentially-zoned properties by appropriate landscaping or architectural treatments and shielded to deflect noise and odor away from such properties.
5. Garbage, refuse and recycling containers shall be screened from view by a fence, wall or landscaping. Enclosures for such containers shall be located as far away as practicable from any adjacent residential structure and the facility operator shall be responsible for controlling odors through scheduling of collection, deodorizers or other means, so as not to be offensive to adjacent residential property owners. Refuse trucks shall not be permitted to service the dumpsters between the hours of 6:00 p.m. and 7:00 a.m.

6. Any proposed outdoor reception or dining areas shall be clearly depicted on the plans submitted with the application to establish the facility. Outdoor reception/dining areas shall be located and designed so as to ensure the greatest degree of compatibility with adjacent residentially zoned properties and shall be buffered from potential sound emissions to such residential properties by buildings, architectural treatments, landscaping, or combinations thereof. Such buffering and other treatments shall be designed to ensure that sounds (conversations, music) emanating from the outdoor dining area do not exceed the limits prescribed by Section 16-19 of the York County Code.
- (e) Patrons of the facility may be admitted only between the hours of 6:00 a.m. and 10:00 p.m. and serving of food and beverages shall cease, and the facility shall close, no later than 11:00 p.m., unless the Board of Supervisors authorizes a later closing time in conjunction with the use permit approval.
- (f) No outdoor paging or public address systems shall be permitted in conjunction with the restaurant. The playing of live or recorded music, whether indoors or outdoors, shall comply in all respects with the terms of Section 16-19 of the York County Code.
- (g) All outdoor lighting associated with the facility and including but not limited to, its appurtenant parking lots, walkways, and service areas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.
- (h) The facility operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow facility patrons to park in access drives, service drives, fire lanes or landscaped areas. The facility operator shall be responsible for installing / erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site. Off-street parking shall be provided in accordance with the ratios specified in article 6 of this chapter, provided however, that all indoor and outdoor spaces that will be used/available at the same time for events shall be included in the floor area calculations used as the basis for parking demand.
- (f) The application for approval of such a facility shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II, division 5, of this chapter. Such study shall be required for all reception hall/conference center proposals in the WC/I district, regardless of their size. Approval of the reception hall/convention center facility at the size proposed shall be contingent on demonstration through the traffic analysis that the capacity of the road system serving the facility can ac-

commodate the projected traffic and that there will be no excessive or adverse impact on residential streets nor a demonstrable safety hazard to vehicular or pedestrian traffic along the access routes. The findings and conclusions of the traffic analysis shall be subject to approval by the Virginia Department of Transportation.

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**Sec. 24.1-501. Applicability.**

- (a) Site plans shall be required for any land use or development except:
  - (1) Single-family detached and individual duplex dwelling units and their customary accessory uses;
  - (2) Bona fide agricultural operations and the customary accessory uses and structures associated with bona fide agriculture operations.
  - (3) Filling and grading operations where no impervious structures or improvements will be installed and no clearing undertaken. In such cases, a plan demonstrating compliance with erosion and sediment control and Chesapeake Bay Preservation Areas ordinances and requirements shall be submitted for approval.
- (b) No building or ~~land disturbing~~land-disturbing permit shall be issued, nor shall any use of a property commence, until a site plan or erosion and sediment control plan has been approved, unless specifically authorized in accordance with the procedures established herein.

**Sec. 24.1-502. Information required on site plans.**

- (a) *Certification.* Site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, land surveyor or landscape architect licensed to practice ~~in Virginia~~in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license.
- (b) *Scale.* Site plans shall be prepared to an engineer's scale appropriate to the lot size and intensity of use, and acceptable to the zoning administrator. Sheet size shall be twenty-four inches by thirty-six inches (24" x 36") ~~{600mm x 900mm}~~; however, the zoning administrator may approve different sheet sizes in advance of plan submission.
- (c) *Site plan title sheet.* The site plan title sheet shall contain the following information:
  - (1) Title Block.

- a. Project Name.
  - b. Name, address and telephone number of the firm or individual preparing the site plan.
  - c. Scale of site plan.
  - d. Date of preparation of site plan; and dates and descriptions of all revisions.
- (2) Location of tract by an insert map at a scale of not more than one inch equaling two thousand feet (1" = 2,000') ~~[100mm = 2400m]~~ showing landmarks sufficient to clearly identify the location of the property.
  - (3) A general information section indicating the number of sheets comprising the site plan, and an index showing the locations of the various sheets.
  - (4) Rezoning proffers, special use permit conditions, wetlands permits and waivers or variances granted shall be referenced with both application number and resolution or ordinance number noted.
  - (5) The zoning of the parcel.
  - (6) Table of statistical information, including:
    - a. Total area.
    - b. Area and percentage of total of existing buildings.
    - c. Area and percentage of total of proposed buildings.
    - d. Area and percentage of total of lot coverage (amount of impervious cover).
    - e. Surface area and percentage of total lot area of parking and loading areas.
    - f. Area of disturbance.
    - g. Area and percentage of total occupied by landscaped open space.
  - (7) A blank space four inches by six inches (4" x 6") ~~[100mm X 150mm]~~ shall be reserved for the use of the county on the lower right hand corner of the title sheet.
- (d) *General information required.*
- (1) Seal and signature, on each sheet, by the Virginia registered professional engineer, land surveyor, landscape architect or architect responsible for its

preparation. One (1) copy of the plan set shall be submitted with original signature on each sheet.

- (2) The owners, present zoning and current use of all abutting or contiguous parcels.
- (3) The boundaries of the property by bearings and distances which shall be tied to the county geodetic control network, including both horizontal and vertical control.
- (4) Existing topography with a maximum contour interval of two feet (2') ~~{0.5m}~~ except that where existing ground is on a slope of less than two percent (2%), either one-foot (1') ~~{0.25m}~~ contours or spot elevations shall be provided where necessary, but not more than fifty feet (50') ~~{15m}~~ apart. Topographic mapping shall identify all significant vegetation, natural features, rock outcroppings, existing cultural features, and shall be supplemented with full verification and location of all underground structures, utilities and public improvements located on or impacting the development of the property.
- (5) Soil types as identified in the USDA Soil Conservation Service publication *Soil Survey of James City and York Counties and the City of Williamsburg*, or the Unified Soil Classification System, or by a professional acting within their area of competence and specifically denoting graphically any areas containing soils rated "Moderate" or "Severe" or which do not have sufficient load bearings for the type of development proposed. The presence or absence of "shrink-swell" and similar soils shall be noted on the face of the plan.
- (6) North arrow.
- (7) All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the closest one-hundredth of a foot (0.01'). ~~{meters resolve to ten thousands of a meter (0.0001m)}~~
- (8) Geometric location data for all public rights-of-way, geographic control monuments, common areas, utility centerlines and easements, structures and lot lines.
- (9) A development phasing plan if the proposed project is to be constructed in two or more phases.
- (10) If the site plan is shown on more than one sheet, match lines shall clearly indicate where the several sheets join and an index shall be shown locating the sheets.
- (11) Building restriction lines and required setbacks.
- (12) A Natural Resources Inventory of site conditions and environmental fea-

tures as specified in Chapter 23.2

(e) *Existing features.*

- (1) The location, height, first floor elevation, floor area and use of all existing buildings and structures, and their distance from all property lines and from each other.
- (2) All existing streets, utilities, fire hydrants, easements, and watercourses, and their type, names and widths. Recordation information shall be given for all easements and for other features as appropriate. For existing public streets, both right-of-way and pavement widths shall be noted as well as state route numbers and posted speed limits.
- (3) Existing natural land features, trees, water features and all proposed changes to these features shall be indicated on a "landscape plan" (see article II, division 5). Land features shall include soil types and limitations. Water features shall include ponds, lakes, streams, wetlands, floodplains, drainage areas and stormwater retention areas.
- (4) The location, type and extent of the following features. In addition, the  
~~g~~Gross acreage and percentage of the total of the following physical land units shall be tabulated and computed by accurate planimetric methods at the site plan scale:
  - a. Slopes more than twenty percent (20%) but less than thirty percent (30%)
  - b. Slopes thirty percent (30%) or greater.
  - c. 100-year Floodplains.
  - d. Lands below the ~~four-foot~~four-foot (4') ~~{1m}~~ contour.
  - e. Jurisdictional (as defined by U. S. Environmental Protection Agency and confirmed by the U. S. Army Corps of Engineers) wetlands, both tidal and nontidal.
  - f. Existing water features (bodies of water, drainage channels, perennial and intermittent streams, etc.).
  - g. Major utility easements or rights-of-way including above ground electric transmission line easements.
  - h. Site specific location of Chesapeake Bay Resource protection and resource management areas ~~within Chesapeake Bay Preservation Areas.~~
  - i. Natural heritage resource areas identified in the document entitled,

*Natural Areas Inventory of the Lower Peninsula of Virginia and their degree of significance as identified in the same document.*

j. Portion or portions of the property located within the Watershed Management and Protection overlay district (WMP).

- (5) The location, type and extent of all known or suspected cultural resources, including underground resources. If architectural or archaeological studies have been performed on the site, two (2) copies of each relevant study shall be submitted with the site plan.

(f) *Proposed improvements.*

- (1) The location and use of all proposed buildings and structures and their distance from all property lines and from each other.
- (2) Proposed building(s) height, first floor elevation and area.
- (3) Proposed streets, utilities and easements, their types, names and widths.
- (4) Written schedule or data as necessary to demonstrate that the site can accommodate the proposed use, including: area occupied by each use; number of floors, height; and floor area for office, commercial and industrial uses. A development sequencing plan shall be presented with any project which is to be constructed in two (2) or more phases.
- (5) Sufficient information to show that the physical improvements associated with the proposed development are compatible with existing or proposed development of record on adjacent properties which may include schematic plans for storm water management, utilities and transportation improvements.
- (6) Proposed finished grading by contours to be supplemented by finished spot elevations and sectional design information.
- (7) Locations, computations of percent and area of all open spaces; identification of areas for, and improvements to, all recreational facilities, including percent and area.
- (8) Location and method of garbage, refuse and recyclables collection.
- (9) Location and type of all proposed signage.
- (10) Location and design of any retaining walls.

(g) *Landscape requirements.* A landscape plan, in accordance with article II, division 4 shall be provided.

(h) *Erosion and sediment control.* Provisions for the adequate control of erosion, |

[runoff](#) and sedimentation, as required by chapter 10, *Erosion and Sediment Control*, of this Code, shall be indicated on the site plan. When necessary for clarity, this information shall be indicated on a separate sheet or sheets.

(i) *Streets and parking.*

- (1) Location of all off-street parking and loading spaces, handicapped parking spaces, bicycle parking, driveways, existing and proposed vehicular access for the site, entrance types, sidewalks and walkways, size and angle of parking bays and width of aisles and a specific schedule showing the number of parking spaces required by article VI and the number provided.
- (2) Typical proposed roadway and parking area pavement ~~cross-sections~~[cross-sections](#).
- (3) Location of proposed street signs.
- (4) Plans and profiles for all street improvements in public rights-of-way, including centerline elevations computed to the nearest one-hundredth of a foot (0.01') ~~{0.001m}~~ at fifty (50) horizontal station intervals and at other locations of geometric importance.
- (5) Existing and proposed curb, gutter and sidewalks along all streets contiguous to the project.
- (6) Site distances, both horizontal and vertical, at all proposed entrances.
- (7) Entrance grades (in percent) noted.

(j) *Drainage.*

- (1) Plans in accordance with adopted storm water management standards for the County. [Stormwater management criteria consistent with the provisions of the Virginia Stormwater Management Regulations \(4 VAC 3-20\), as they may be amended from time to time shall be satisfied.](#)
- (2) Plans of contributing drainage areas and the computed limits of the 100-year floodplain, with drainage way cross-sections and water surface elevation plotted on a profile of the pre- and post-development condition, ~~when required by the director of environmental and development services.~~
- (3) Plans and profiles detailing the provisions for [conveying the drainage to an adequate channel, pipe or](#) ~~disposition of~~ [stormwater system](#), indicating:
  - a. The location, size, type, [lining material, slope](#) and grade of ditches;
  - b. ~~Catch basins~~[Drainage structures](#);
  - c. Pipes ~~(including type or class)~~, [size, location, slope, invert eleva-](#)

tions, length and connections ~~to existing drainage systems;~~

- d. Verification of receiving ~~line or~~ channel, pipe or stormwater system adequacy;
- e. Best management practices (BMP) ~~water quality~~ and other stormwater management facilities including maintenance requirements, slopes, depths, access, cross-sections and other pertinent details;
- f. ~~On-site storm water retention where deemed appropriate and necessary by the director of environmental and development services.~~

- (4) Calculations for both pre- and post-development drainage and storm water ~~management specifying~~ management specifying the source of the coefficients, time of concentration, and equations utilized and any modifications made thereto.
- (5) Floodplain studies when required by the terms of the floodplain management area (FMA) overlay district.
- (6) 100-year floodplain limits.
- (7) Drainage divides and areas for both pre- and post-development conditions.
- (8) 2-, 10-, and 100-year water surface elevations shown for stormwater management ponds.

(k) *Utilities.*

- (1) Plans in accordance with adopted water and sewerage facilities standards for the county.
- (2) Plans and profiles for all existing and proposed public utilities, including elevation computed to the nearest one-hundredth of a foot (0.01') ~~[0.001m]~~ at fifty (50) horizontal station intervals and at other locations of geometric importance.
- (3) Location of all sanitary sewer lines and water lines verifying supply and receiving line adequacy, and showing all pipe sizes, type and grades.
- (4) Location of all existing and proposed fire hydrants; and calculations verifying adequacy of fire flow when required by the director of public safety.
- (5) The design, location, height, illumination intensity in footcandles, and luminaire type of all exterior lighting fixtures. The direction of illumination and methods to eliminate glare onto the adjoining properties must also be shown. Where questions or conflicts arise, the "ANSI/IES Recommended Practice for Roadway Lighting" shall prevail.

(l) *Additional information.*

- (1) Copies of all permits and determinations obtained from federal and state regulatory agencies and that are necessary for the development to occur as shown on the site plan shall be submitted with the site plan. This shall specifically include, but not be limited to, environmental permits, wetlands ~~permits and~~ determinations and sewage disposal permits.
- (2) Any other additional information deemed necessary by the zoning administrator to render a decision on the proposal shall be provided or shown on the plan as appropriate.

(m) *Format.* Site plans shall generally follow the format depicted in Figure V-1 (See Appendix A).

(n) *Number of copies.* Ten (10) clearly legible, blue or black line folded copies of the site plan shall be submitted to the zoning administrator with the appropriate application form and fee. No plan shall be deemed received until all relevant fees and applications are submitted.

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**Sec. 24.1-702 General sign regulations**

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- (j) Except in the case of shopping centers, regional medical centers, and corner and through lots, not more than one (1) permanent free-standing sign shall be permitted for each parcel. The minimum setback of any free-standing sign, or any portion thereof, from any property line shall be ten (10) feet.

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**Sec. 24.1-705.1 Special sign regulations applicable to regional medical centers.**

Regional medical centers, as defined in section 24.1-104, shall be permitted to erect signage in accordance with the following provisions and all general provisions specified in section 24.1-702:

- (a) One (1) freestanding monument sign shall be permitted at the primary entrance to the medical center. Such sign shall not exceed one hundred fifty (150) square feet in area, or fifteen feet (15') in height.
- (b) Additional freestanding monument signs shall be permitted at secondary entrances to the medical center provided that no such sign shall exceed thirty-two (32) square feet in area or six (6) feet in height and provided further that the maximum cumulative sign area for all entrances to the medical center shall not exceed two hundred (200) square feet.

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**Sec. 24.1-707. Exempt signs.**

The following signs may be erected, altered or maintained in any zoning district when in accordance with the general provisions established in section 24.1-702, provided however, that permits shall not be required unless specifically noted.

- (a) Signs erected and maintained pursuant to and in discharge of any federal, state or county governmental function, or as may be required by law, ordinance or governmental regulation including official traffic signs and signals, warning devices and other similar signs.
- (b) Memorial signs or tablets, cornerstones or names of buildings when cut into masonry or when constructed of bronze or other noncombustible material, but not to exceed six (6) square feet in area.
- (c) Non-illuminated construction signs, not exceeding thirty-two (32) square feet in area and six feet (6') in height and limited to one sign for each street frontage for each principal use being constructed, ~~when displayed~~ on the premises to which such sign refers. No such signs shall be permitted unless a building permit has been issued or unless a site plan for the proposed development has been submitted to the county for official review. Such signs shall be removed at the completion of construction.

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## ARTICLE IX. APPEALS

**Sec. 24.1-900. Board of zoning appeals established.**

Pursuant to the requirements of title 15.2 ~~15.1~~, Code of Virginia, there is hereby established a Board of Zoning Appeals for the County of York, Virginia.

The board of zoning appeals shall consist of five (5) residents of the county, one (1) of whom may be a member of the planning commission, each to be appointed by the judge of the county circuit court. The terms of office, organization, and procedures of this board shall be in accordance with the provisions established by ~~section~~ section 15.2-2308 ~~15.1-494~~, Code of Virginia.

**Sec. 24.1-901. Powers and duties.**

The board of zoning appeals shall have all the powers and duties as prescribed in section 15.2-2309, Code of Virginia, and as set forth below:

- (a) To hear and decide appeals from any order, requirement, decision or determination

made by an administrative officer in the administration or enforcement of this chapter or any amendment thereto or any modification of zoning requirements pursuant to section 24.1-902. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws, and regulations in making its decision.

- (b) To authorize upon appeal or original application in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done as follows:
  - (1) When a property owner can show that the owner's property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or the use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property, or where the board of zoning appeals is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter.
  - (2) No such variance shall be authorized by the board of zoning appeals unless it finds:
    - a. That the strict application of the provisions of this chapter would produce undue hardship;
    - b. That the hardship is not shared generally by other properties in the same zoning district and the same vicinity;
    - c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and
    - d. That the condition or situation of the property concerned or the intended use of the property is not of such a general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
  - (3) In accordance with section 15.2-2309~~15.1-495~~, Code of Virginia, in authorizing a variance, the board of zoning appeals may impose such conditions regarding the location, character and other features of the proposed structure

or use as it may deem necessary in the public interest, and may require a performance guarantee to ensure that the conditions imposed are being and will continue to be complied with.

- (c) To hear and decide applications for interpretation of the zoning map where there is any uncertainty as to the location of a district boundary.

~~(d) To hear and decide applications for exceptions to the requirements of the Chesapeake Bay Preservation Area regulations.~~

~~(1) Such exceptions shall be consistent with the purpose and intent of the Chesapeake Bay Preservation Areas regulations adopted by the county pursuant to the Virginia Chesapeake Bay Preservation Act (section 10.1-2100 et seq., Code of Virginia) and shall be evaluated based on the following criteria:~~

~~a. The application shall not be based upon conditions or circumstances that are self-created or self-imposed. The exception must be given to alleviate requirements imposed by the implementation of section 24.1-372 and shall not afford a special privilege or mere convenience sought by the applicant.~~

~~b. The physical characteristics of the property and existing development must be such that, in the opinion of the board of zoning appeals, there exists no other reasonable option or location outside of the required buffer area.~~

~~c. The application shall be for the minimum exception necessary to afford relief.~~

~~d. Reasonable and appropriate measures shall be proposed in order to maintain or reduce the predevelopment nonpoint source pollution runoff load of the property. The proposed development shall not effectively increase the pollution runoff load.~~

~~e. The application shall be consistent with the purpose and intent of section 24.1-372, and not injurious to the neighborhood or otherwise detrimental to the public welfare.~~

~~(2) Reasonable and appropriate conditions may be imposed as deemed necessary by the board of zoning appeals to meet water quality standards.~~

- (de) None of the provisions of this section shall be construed as granting the board of zoning appeals the power to reclassify property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the board of supervisors.

**setback requirements.**

- (a) Pursuant to section ~~15.2-2286.A.4.15.1-491(d)~~, Code of Virginia, the zoning administrator may authorize grant a variance modification from any provision building setback requirement contained in this chapter with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure or improvements, upon finding in writing all of the following:
- (1) The strict application of the chapter would produce undue hardship;
  - (2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
  - (3) The authorization of the variance modification -will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification variance.
- (b) Prior to the granting of a modification variance, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification variance, and an opportunity to respond to the request within twenty-one (21) days of the date of the notice. Notice shall be sent by first class mail and an affidavit of such mailing shall be kept in the file, or the applicant may personally deliver the notice to the adjacent property owners and request their written verification of receipt.
- (c) The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice provided pursuant to this section. The decision of the zoning administrator shall constitute a decision within the purview of section 24.1-901 and may be appealed to the board of zoning appeals as prescribed by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by section 24.1-904~~If any adjoining property owner objects to the variance request within the time frame specified in subsection (b) above, the zoning administrator shall not grant the variance, but shall transfer the application to the board of zoning appeals. The applicant shall pay the full fee for applications to the board of zoning appeals and the variance request shall be handled in accordance with established procedure.~~

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